

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12386 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

-----  
MAHESHGIRI TULJAGIRI GOSWAMI

Versus

REGIONAL PASSPORT OFFICER  
-----

Appearance:

MS ARCHANA U AMIN for Petitioner  
MRS DAWAVALA for Respondent No. 1  
-----

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 04/12/2000

ORAL JUDGEMENT

1. Heard learned counsel Ms. A.U. Amin for the  
petitioner and Mrs. Dawavala, learned CGSC for  
respondent. Rule. Mrs. Dawavala, waives service of  
rule on behalf of respondent - Regional Passport Officer,

Ahmedabad.

2. In this petition under Article 226 of the Constitution the petitioner Maheshgiri Tulajgiri Goswami has prayed for a writ of mandamus, directing the respondent Regional Passport Officer, Ahmedabad to correct the date of birth of the petitioner in accordance with the birth certificate issued by the local authority, i.e. Uttarsanda village, under Kheda district. Petitioner applied for an international passport to the respondent along with submitting necessary documents. Petitioner submitted the certificate issued by local authority as well as school leaving certificate. According to the school leaving certificate, date of birth of the petitioner is 14-10-1957, whereas according to the birth certificate issued by the local authority, the birth date is recorded as 15-10-1957. It is submitted by learned counsel for the petitioner that, because of the genuine error, the date of birth of the petitioner has been wrongly recorded in the school register. The petitioner has also filed an application to the respondent authority to issue passport showing the date of birth of the petitioner as issued by the local authority, but the respondent Regional Passport Officer, Ahmedabad, stated to the petitioner that, in such circumstances, he will require order from the competent court.

2. It appears that the mistake is of one day only and as submitted by learned counsel for the petitioner, in the school register the date of birth has been erroneously recorded as 14-10-1957. Whenever there is any discrepancy between the birth date recorded in the birth certificate issued by the local authority and the birth date recorded by the school authority, the birth certificate issued by the local authority should prevail. Accordingly I am of the view that, the Regional Passport Officer, Ahmedabad, should consider the date of birth of the petitioner issued by the local authority, that is Uttarsanda village, under Kheda district, as 15-10-1957, and record the same in the passport of the petitioner. However the petitioner is directed to submit the relevant papers to the Regional Passport Officer, Ahmedabad, and the respondent is directed to consider the date of birth of the petitioner issued by the local authority.

3. Learned CGSC Mrs. Dawavala submitted that, if the petitioner files all the relevant papers along with copy of this order, then the respondent will consider the same in accordance with law. It appears that the passport has not yet been issued, therefore, I am of the

view that after taking into consideration of the relevant papers, the respondent authority should record the date of birth of the petitioner as 15-10-1957 in the passport by considering the birth certificate issued by the local authority. Accordingly the petition is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. However, I make no order as to costs. D.S. permitted.

Dt: 4-12-2000

( P.K. Sarkar, J )

/vgn